



ADDENDUM #1

SUBJECT: PURCHASE OF FORTY (40) ELECTRIC BUSES

DATE: JUNE 9, 2023

INVITATION NO.: 23-13

PROPOSALS DUE DATE: SEPTEMBER 28, 2023 Time: 11:00 A.M.

Please note the following changes for the above referenced RFP:

SECTION 9 FORMS AND CERTIFICATIONS - ATTACHED

For any questions concerning this change, you may contact Frances Boyland, Senior Contract Administrator at 901-722-7199 or by email at fboyland@matatransit.com

SECTION 9
REQUIRED FORMS AND CERTIFICATIONS

**MEMPHIS AREA TRANSIT AUTHORITY
ADDENDA ACKNOWLEDGEMENT FORM**

Addenda received (if none received, write "none received")

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Addendum No: _____ Date Received: _____

Name of individual, partner or corporation: _____

Street Address: _____

City, State and Zip Code: _____

Telephone Number: _____ Fax Number: _____

Printed Name: _____

Authorized Signature: _____

Title: _____

EXHIBIT I

MEMPHIS AREA TRANSIT AUTHORITY

AFFIDAVIT OF NON-COLLUSION

Affidavit of Non-Collusion:

I hereby swear (or affirm) under the penalty of perjury:

- (1) That I am the bidder (if the bidder is an individual), a partner of the bidder (if the bidder is a partnership), or an officer or employee of the bidding corporation with authority to sign on its behalf (if the bidder is a corporation);**
- (2) That the attached bid or bids have been arrived at by the bidder independently, and have been submitted without collusion with, and without any agreement, understanding, or planned common course of action with any other vendor of materials, supplies, equipment, or services described in the invitation to bid, designed to limit independent bidding or competition.**
- (3) That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids; and**
- (4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.**

Signed: _____

Firm Name: _____

Subscribed and sworn to before me this _____ day of _____

Notary Public _____

My Commission expires _____

Bidder's E.I. Number: _____

(Number used on Employer's Quarterly Federal tax return)

EXHIBIT II

MEMPHIS AREA TRANSIT AUTHORITY

BUY AMERICA CERTIFICATE
(For Contracts of \$150,000 or greater)

The bidder hereby certifies that it will comply with the requirements of Section 165a of the Surface Transportation Assistance Act of 1982 and the regulations in 49 CFR 661.

Date _____

Signature _____

Title _____

or

The bidder hereby certifies that it cannot comply with the requirements of Section 165a of Surface Transportation Assistance Act of 1982, but it may qualify for an exception to the requirement pursuant to Section 165b of the Surface Transportation Assistance Act and regulations in 49 CFR 661.7.

Date _____

Signature _____

Title _____

EXHIBIT III

MEMPHIS AREA TRANSIT AUTHORITY

**CERTIFICATION OF PRIMARY PARTICIPANT (prime contractor)
REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The Primary Participant (potential contractor for a major third-party contract), _____ certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission or any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/bidder had one or more public transactions (Federal, State, or local) terminated for cause or default.

(If the primary participant (potential third-party contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.)

THE PRIMARY PARTICIPANT (POTENTIAL CONTRACTOR FOR A MAJOR THIRD-PARTY CONTRACT), _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTION 3801 ET. SEQ. ARE APPLICABLE THERETO.

Signature and Title of Authorized Official

EXHIBIT III

MEMPHIS AREA TRANSIT AUTHORITY

**CERTIFICATION OF LOWER-TIER PARTICIPANTS (subcontractors)
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

The Lower Tier Participant (potential third-party contractor, or potential subcontractor under a major third-party contract), _____, certifies, by submission of this bid, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(If the Lower Tier Participant, (potential third-party contractor or potential subcontractor under a major third-party contract) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this bid).

The LOWER-TIER PARTICIPANT, POTENTIAL THIRD-PARTY CONTRACTOR, OR POTENTIAL SUBCONTRACTOR UNDER A MAJOR THIRD PARTY CONTRACT, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET. SEQ. ARE APPLICABLE THERETO.

Signature and Title of Authorized Official

EXHIBIT IV

MEMPHIS AREA TRANSIT AUTHORITY

CERTIFICATION OF RESTRICTIONS ON LOBBYING
(For Contracts of \$100,000 or greater)

I, _____, hereby certify on behalf of _____
Name of Official Name of Contractor

that:

- (1) No Federal appropriated funds have been paid or will be paid on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriate funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the CONTRACTOR shall complete and submit Office of Management and Budget Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ day of _____, _____.

By: _____
Signature of Authorized Official

Title of Authorized Official

**Certification of Utilization of
Disadvantaged Business Enterprises**

The undersigned, as authorized representative of the Proposer, agrees to accept the terms and conditions of Section D and commits to carrying out the DBE contracting arrangements specified in the Schedule of DBE Participation.

Signature _____

Title _____

Date _____

Letter of Intent to Perform as a DBE Subcontractor

To: _____
Name of Prime/General Proposer

23-13
MATA RFP Number

Address of Prime/General Proposer

City/State/Zip

The undersigned DBE intends to perform work in connection with the above project as (check one):

An Individual; A Corporation; Partnership; A Joint Venture

The undersigned DBE is prepared to perform the following described work in connection with the above project (specify in detail the particular work, items or parts thereof to be performed:

at the following price \$ _____ This price equals _____ % of the total Proposal price or contract to be awarded to the prime Proposer.

Work or Items by Subcontractor	Projected Commencement Date	Projected Completion Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

DBE Business Name

Signature of Authorized DBE Representative

Certification # / State of Certification

Expiration Date of Certification

Address

Date

City/State/Zip

Phone Number Fax Number

No agreement has been entered into between the above-named Prime Proposer and the DBE subcontractor wherein the above-named DBE subcontractor has promised not to provide subcontracting quotations to other Proposers.

Date

Name of Prime or General Proposer

Signature of Authorized Representative

SCHEDULE OF DBE PARTICIPATION

NAME OF DBE FIRM	ROLE IN PROJECT (P, JV, S)	SERVICES TO BE PERFORMED	% OF TOTAL PROJECT COST
TOTAL			

P = Prime Contractor
JV = Joint Venture
S = Subcontractor

EXHIBIT VIII

FAITHFUL PERFORMANCE BOND FORM

Memphis Area Transit Authority

CONTRACT NO. ____

PURCHASE OF 40 ELECTRIC BUSES

PERFORMANCE BOND

WHEREAS the Memphis Area Transit Authority (MATA) has awarded to _____ (“Principal”), Contract No. _____, Up To [Agency to insert quantity and type of bus] AND

WHEREAS Principal is required under the terms of the Contract to furnish a Bond for the faithful performance of the Contract;

NOW, THEREFORE, we _____ as Principal, and _____ (“Surety”), as Surety, are held and firmly bound unto MATA in the sum of [insert amount], in lawful money of the United States of America, for payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severably, firmly by these presents. In case suit is brought upon this Bond, Surety shall pay reasonable attorneys’ fees to MATA in an amount to be fixed by the court. In no event shall the surety be liable under this Bond for an amount greater than the aggregate penal sum designated in this paragraph.

The condition of this obligation is such that, if the hereby-bonded Principal or its heirs, executors, administrators, successors, assigns, or Subcontractors shall in all things stand to and abide by and well and truly keep and perform all the undertakings, terms, covenants, conditions and agreements in the Contract and any alteration thereof, made as therein provided, all within the time and in the manner therein-designated and in all respects according to their true intent and meaning, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

Further, Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or modification of the Contract, or of the Goods to be furnished thereunder, shall in any way affect its obligations under this Bond, and it does hereby waive notice of any such change, extension of time, alteration, or modification of the Contract or of the Goods and Technical Services to be performed thereunder.

IN WITNESS WHEREOF, three identical counterparts of this instrument, each of which shall for all purposes be deemed an original hereof, have been duly executed by Principal and Surety named herein, on the ____ day of _____, 20__, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing body.

By _____
("Principal")

By _____
("Surety")

By _____

EXHIBIT IX

CERTIFICATE OF COMPLIANCE WITH BUS TESTING REQUIREMENT

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. _____ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on _____ (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.

2. _____ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988 and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

3. _____ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company Name: _____

Name and Title of the Proposer's Authorized Official:

Authorized Official's Signature

Date

EXHIBIT X

**TRANSIT VEHICLE MANUFACTURERS (TVM) CERTIFICATE OF COMPLIANCE WITH
DISADVANTAGED BUSINESS REGULATIONS**

TRANSIT VEHICLE MANUFACTURERS (TVM)

CERTIFICATE OF COMPLIANCE

WITH DISADVANTAGED BUSINESS REGULATIONS

This procurement is subject to the provisions of 49 CFR Section 26.49. Accordingly, the following certification must be completed and submitted with the proposal as a condition of proposing. A proposal that does not include this certification will not be considered.

TVM Certification

I hereby certify that the Proposer has complied with the requirements of 49 CFR 26, Participation by Disadvantaged Business Enterprises in DOT Programs, and it has submitted a goal to the Federal Transit Administration and it has not been disapproved. The proposer, if a non-vehicle manufacturer supplier, hereby certifies that the manufacturer of the transit vehicle to be supplied has complied with the above-referenced requirements of 49 CFR Section 26.

Manufacturer: _____

Manufacturer Representative Signature

Date

Dealer: _____

Dealer Representative Signature

Date

EXHIBIT XI

FEDERAL MOTOR VEHICLE SAFETY STANDARDS (FMVSS) CERTIFICATION

The Proposer and (if selected) Contractor shall submit (1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

Company Name: _____

Name of Signer: _____

Title: _____

Authorized Official's Signature

Date

NO RESPONSE

*** PLEASE EITHER PRINT OR TYPE INFORMATION ON THIS FORM ***

TO: Memphis Area Transit Authority (MATA)

Our company is submitting a "NO RESPONSE" on RFP# 23-13 for the Purchase of 40 Electric Buses for the reason indicated below.

- Product or service is not available.**
 - Cannot provide required bonds.**
 - Other obligations - cannot make deadline.**
 - Other (please explain below)**
-
-

FROM: Name of Company: _____

Representative: _____

Address: _____

Phone Number: _____

Signature: _____

- Please keep our name on the bidder's list for this item.**
- Please remove our name from the bidder's list for this item.**

FAILURE TO RETURN EITHER A BID OR THIS FORM MAY RESULT IN REMOVAL FROM THE BIDDER'S LIST.

NO RESPONSE

*** PLEASE EITHER PRINT OR TYPE INFORMATION ON THIS FORM ***

TO: Memphis Area Transit Authority (MATA)

Our company is submitting a "NO RESPONSE" on RFP# 23-13 for the Purchase of 30 Electric Buses for the reason indicated below.

- Product or service is not available.**
 - Cannot provide required bonds.**
 - Other obligations - cannot make deadline.**
 - Other (please explain below)**
-
-

FROM: Name of Company: _____

Representative: _____

Address: _____

Phone Number: _____

Signature: _____

- Please keep our name on the bidder's list for this item.**
- Please remove our name from the bidder's list for this item.**

FAILURE TO RETURN EITHER A BID OR THIS FORM MAY RESULT IN REMOVAL FROM THE BIDDER'S LIST.

EXHIBIT XIII

PRICING PROPOSAL FORM

This form shall be completed for each condition, exception, reservation or understanding (i.e., Deviation) in the Proposal according to “Conditions, Exceptions, Reservations or Understandings.” One copy without any price/cost information is to be placed in the Technical Proposal as specified in “Technical Proposal Requirements,” and a separate copy with any price/cost information placed in the Price Proposal as specified in “Price Proposal Requirements.”

Memphis Area Transit Authority

RFP #23-13 PURCHASE OF 40 ELECTRIC BUSES

Deliverable Description	RFP Section Ref.	All prices are to be in United States dollars (USD \$)	
		Unit Price	Extension
Zero emission, 40', low floor, battery electric buses	1		
Base order of buses [Quantity: 30]	1		
Option Order #1 – [Quantity: 10]	1		
Manuals	6.11	Lump Sum	
Training	6.12	Lump Sum	
Spare parts package	TBD	TBD	TBD
Test equipment and special tools	6.9.6	Lump Sum	
Warranty – Complete Bus	7.1.1.2		
Warranty – Body and Chassis Structure	7.1.1.3		
Warranty – Propulsion System (except ESS)	7.1.1.4		
Warranty – Energy Storage System (ESS) and Charging System	7.1.1.5		
Warranty – Major Subsystems	7.1.1.6		

		All prices are to be in United States dollars (USD \$)	
Deliverable Description	RFP Section Ref.	Unit Price	Extension
Extended Warranty – Batteries	7.1.1.7		
Extended Warranty – Other Components (Proposer to itemize as separate attachment)	7.1.1.7		
Extended Warranty Options – Complete Power Train (First Yearly Option)	7.1.1.8		
Extended Warranty Options – Complete Power Train (Second Yearly Option)	7.1.1.8		
Other [Agency to specify]			
Sales tax (if applicable)			
Delivery charges			
TOTAL PROPOSED PRICE			
ADA equipment (included in above unit prices)			

Note to Proposers: This form is to be completed and included in the Price Package following the conclusion of the Demonstration Program.

EXHIBIT XIV

FORM FOR TECHNICAL COMPLIANCE

EXHIBIT XV

FORM FOR PROPOSAL DEVIATION

EXHIBIT XVI

PROPOSER'S RECOMMENDED SPARE PARTS LIST